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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,584	02/24/2004	David Lee Motsinger	1503/7	9841
25297	7590	06/18/2007	EXAMINER	
JENKINS, WILSON, TAYLOR & HUNT, P. A. SUITE 1200, UNIVERSITY TOWER 3100 TOWER BOULEVARD DURHAM, NC 27707			KANE, CORDELIA P	
		ART UNIT	PAPER NUMBER	
		2109		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/785,584	MOTSINGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Cordelia Kane	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 February 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-134 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-134 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 September 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>8/12/04</u>	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

1. This action is responsive to the non-provisional application filed on February 24, 2004. Claims 1 – 134 are pending. Claims 1, 11, 20, 30, 37, 44, 51, 58, 65, 72, 79, 86, 93, 99, 105, 111, 119, and 127 are independent.

### ***Information Disclosure Statement***

2. The information disclosure statement filed August 12, 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

4. Remove "Description" before the title on the first page.

5. Include application serial numbers for the named applications in the paragraph "Related Applications" on the first page.

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 5 – 12, 15 – 21, 24 – 31, 34 – 38, 41 – 45, 48 – 50, 65, 66, and 69 – 71 are rejected under 35 U.S.C. 102(b) as being anticipated by R. Scott Guthrie et al's US Patent 6,161,185.

9. Referring to claim 1, Guthrie teaches:

- a. Receiving messages and data over the network (column 4, lines 65-66).
- b. Determining if the user login was a success or failure (column 7, lines 39-45, column 2, lines 26-33, and column 4, lines 29-33).
- c. Detecting when there are too many login failures in a row (column 8, lines 10-12, column 2, lines 26-33, and column 4, lines 29-33). The amount of failures in a set is configurable (column 8, lines 37-40).

10. Referring to claim 2, Guthrie teaches that the network may be a local area network (column 5, lines 4-5).

11. Referring to claim 5, Guthrie teaches that the server is a web server (column 14, lines 4-5).

12. Referring to claim 6, Guthrie teaches that each client had a unique IP address (column 13, line 49).

13. Referring to claim 7, Guthrie teaches that the network connection is a TCP/IP connection (column 5, lines 2-3). It is inherent that the communication would comprise transmission control protocol packets.

14. Referring to claim 8, Guthrie teaches that the server application is comprised of multiple applications (Figure 11B, 104, 104', 104").

15. Referring to claim 9, Guthrie teaches that a single user is locked out after a certain number of failed attempts of login (column 4, lines 30-31).

16. Referring to claim 10, Guthrie teaches that the server records audit information for each log-on attempt (column 13, lines 46-47) and each session has a single IP address associated with it (column 13, lines 60-61).

17. Claims 11, 12 and 15 – 19 are the system claims for the method of claims 1, 2 and 5 – 9. Guthrie specifically teaches a system (column 3, line 53). Since the method claims are rejected so are the corresponding system claims.

18. Claims 20, 21 and 24 – 29 are the computer program product claims for the method of claims 1, 2 and 5 – 10. Guthrie teaches a software routine running on the server (column 4, lines 58-59). Since the method claims are rejected so are the computer readable medium claims.

19. Referring to claim 30, Guthrie teaches:

d. Receiving messages and data over the network (column 4, lines 65-66).

- e. Determining if the user login was a success or failure (column 7, lines 39-45).
- f. Detecting when there are too many login failures in a row (column 8, lines 10-12). The amount of failures in a set is configurable (column 8, lines 37-40).

20. Referring to claim 31, Guthrie teaches that the network may be a local area network (column 5, lines 4-5).

21. Referring to claim 34, Guthrie teaches that the server is a web server (column 14, lines 4-5).

22. Referring to claim 35, Guthrie teaches that the client had a unique IP address (column 13, line 49).

23. Referring to claim 36, Guthrie teaches that the network connection is a TCP/IP connection (column 5, lines 2-3). It is inherent that the communication would comprise transmission control protocol packets.

24. Claims 37, 38 and 41 – 43 are the system claims for the method of claims 30, 31 and 34 – 36. Guthrie specifically teaches a system (column 3, line 53). Since the method claims are rejected so are the corresponding system claims.

25. Claims 44, 45 and 48 – 50 are the computer program product claims for the method of claims 30, 31 and 34 – 36. Guthrie teaches a software routine running on the server (column 4, lines 58-59). Since the method claims are rejected so are the corresponding computer readable medium claims.

26. Referring to claims 65, 66, 69 – 71, are identical claims to 44, 45, and 48 – 50. Therefor they are also rejected.

27. Claims 51 – 64, and 93 – 134 are rejected under 35 U.S.C. 102(b) as being anticipated by Craig Rowland's US Patent 6,405,318 B1.

28. Referring to claim 51, Rowland teaches:

g. Information transfer within a network (column 2, lines 63-64) for a user (column 2, line 43).

h. Monitoring the login sessions (column 2, lines 66-67).

i. Checking for multiple logins for the same user (column 5, lines 10-11).

29. Referring to claim 52, Rowland teaches that the information transfer takes place over a network (column 2, line 64). Rowland also teaches intrusion into (corresponding to the recited login) different network environments (column 1, lines 11-20).

30. Referring to claim 53, Rowland teaches that the users have File Transfer Protocol services, Simple Mail Transfer Protocol services and HTTP services (column 6, lines 31-35).

31. Referring to claim 54, Rowland teaches that the users are equipped to handle HTTP requests (column 6, line 35).

32. Referring to claim 55, Rowland teaches that the users have access to web servers (column 6, line 35). In the summary of the invention Rowland also discloses a problem involving Internet network computer access (column 1, lines 11-12). Therefor it is inherent that the server would be a web server.

33. Referring to claim 56, Rowland teaches that the user uses the TCP/IP Protocol (column 6, line 17). Rowland also teaches that this is solving a problem in an Internet

network environment (column 1, lines 11-12). It is inherent if the user is connecting to the Internet that they will have a unique IP address.

34. Referring to claim 57, Rowland teaches a system that utilizes TCP/IP Protocol (column 6, line 17). Thus it is inherent that the communications data would be in the form of TCP packets.

35. Claims 58 – 64 are the system claims for the method of claims 51 – 57. Rowland specifically teaches a system (column 2, lines 40-41). Since the method claims are rejected so are the corresponding system claims.

36. Referring to claim 93, Rowland teaches:

- j. Monitoring user login sessions (column 2, lines 66-67) for each user (column 2, line 43). Each user includes both a first and a second user.
- k. Determining if the current user is identical to a previously logged on user (column 5, lines 10-11).

37. Referring to claim 94, Rowland teaches notifying the controller if abnormal activity is detected (column 3, lines 44-46).

38. Referring to claim 95, Rowland teaches that the information transfer takes place over a network (column 2, line 64). Rowland also teaches intrusion into (corresponding to the recited login) different network environments (column 1, lines 11-20).

39. Referring to claim 96, Rowland teaches that the users have File Transfer Protocol services, Simple Mail Transfer Protocol services and HTTP services (column 6, lines 31-35).

40. Referring to claim 97, Rowland teaches that the users have access to web servers (column 6, line 35). In the summary of the invention Rowland also discloses a problem involving Internet network computer access (column 1, lines 11-12). Therefor it is inherent that the server would be a web server.

41. Referring to claim 98, Rowland teaches that the user uses the TCP/IP Protocol (column 6, line 17). Rowland also teaches that this is solving a problem in an Internet network environment (column 1, lines 11-12). It is inherent if the user is connecting to the Internet that they will have a unique IP address.

42. Claims 99 – 104 are the system claims for the method of claims 93 – 98. Rowland specifically teaches a system (column 2, lines 40-41). Since the method claims are rejected so are the corresponding system claims.

43. Claims 105 – 110 are the computer readable medium claims for the method of claims 93 – 98. Rowland teaches a computer executable software code stored on a computer readable medium (claim 29). Since the method claims are rejected so are the corresponding computer readable medium claims.

44. Referring to claim 111, Rowland teaches:

I. Designating the hours the user is allowed to logon (column 4, lines 55-56).

It is inherent from determining the allowed hours that the disallowed hours are also known.

m. Determining the current session logon time of the user (column 4, line 62).

n. Determining if the user is logged on during an unusual, or disallowed time (column 5, lines 21-28).

o. If the current logon time is different from the allowed logon time, notifying the controller (column 5, lines 28-30).

45. Referring to claim 112, Rowland teaches notifying, or alerting the controller if the user is logged on at a disallowed time (column 5, lines 28-30).

46. Referring to claim 113, Rowland teaches that the information transfer takes place over a network (column 2, line 64). He also teaches that this invention is to solve a problem with connectivity in intranet environments (column 1, lines 11-12). Intranet inherently includes a local area network.

47. Referring to claim 114, Rowland teaches that the users have File Transfer Protocol services, Simple Mail Transfer Protocol services and HTTP services (column 6, lines 31-35).

48. Referring to claim 115, Rowland teaches that the users are equipped to handle HTTP requests (column 6, line 35).

49. Referring to claim 116, Rowland teaches that the users have access to web servers (column 6, line 35). In the summary of the invention Rowland also discloses a problem involving Internet network computer access (column 1, lines 11-12). Therefor it is inherent that the server would be a web server.

50. Referring to claim 117, Rowland teaches that the user uses the TCP/IP Protocol (column 6, line 17). Rowland also teaches that this is solving a problem in an Internet network environment (column 1, lines 11-12). It is inherent if the user is connecting to the Internet that they will have a unique IP address.

51. Referring to claim 118, Rowland teaches a system that utilizes TCP/IP Protocol (column 6, line 17). Thus it is inherent that the communications data would be in the form of TCP packets.

52. Claims 119 – 126 are the system claims for the method of claims 111 – 118. Rowland specifically teaches a system (column 2, lines 40-41). Since the method claims are rejected so are the corresponding system claims.

53. Claims 127 – 134 are the computer readable medium claims for the method of claims 111 – 118. Rowland teaches a computer executable software code stored on a computer readable medium (claim 29). Since the method claims are rejected so are the corresponding computer readable medium claims.

54. Claims 72 – 92 are rejected under 35 U.S.C. 102(b) as being anticipated by Barry Royer et al's US Publication 2002/0135612 A1.

55. Referring to claim 72, Royer teaches:

- p. Receiving communication data between a user and a server (page 3, paragraph 29).
- q. Monitoring user logoff (page 7, paragraph 69).
- r. Monitoring when the session expires due to inactivity after a set period of time (pages 6-7, paragraph 67).
- s. When the user logs off returning a status message that indicates if it was a time-out (session expiration) or a success (page 7, paragraph 69).

56. Referring to claim 73, Royer teaches that the network can be a Wide Area Network or a Local area network (page 4, paragraph 34).

57. Referring to claim 74, Royer teaches that the information may be passed using Hypertext Transmission Protocol (page 2, paragraph 23).

58. Referring to claim 75, Royer teaches that HTTP may be the communication method (page 2, paragraph 23). It is inherent that this would involve both HTTP requests and responses.

59. Referring to claim 76, Royer teaches that a web server is used in the implementation of the system (page 4, paragraph 39).

60. Referring to claim 77, Royer teaches that the client uses the Internet Protocol for communication of data (page 2, paragraph 23). It is inherent in using Internet Protocol that the client would have a unique IP address.

61. Referring to claim 78, Royer reaches that TCP/IP is used in communication (page 8, paragraph 78). It is inherent that this process would be done using transmission control packets.

62. Claims 79 – 85 are the system claims for the method of claims 72 – 78. Royer specifically teaches a system (page 2, line 21). Since the method claims are rejected so are the system claims.

63. Claims 86 – 92 are the computer program product claims for the method of claims 72 – 78. Royer teaches the system involves software applications (page 2, paragraph 23). Since the method claims are rejected so are the computer program product claims.

***Claim Rejections - 35 USC § 103***

64. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

65. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3, 4, 13, 14, 22, 23, 32, 33, 39, 40, 46, 47, 67 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie as applied to claims 1, 11, 20, 30, 37, 44, and 65 above, and further in view of Stephen F Bisbee et al's US Publication 2002/0184217 A1. Guthrie discloses all the limitations of the parents claim, as well as that the network is connected through the Internet (column 5, lines 2-4). Guthrie does not appear to explicitly disclose using Hypertext Transfer Protocols. However, Bisbee discloses that when connecting through the Internet that HTTP is a convenient protocol (page 1, paragraph 2). Guthrie and Bisbee are analogous art because they are from the

same field of endeavor, user authentication. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Guthrie and Bisbee before him or her, to modify Guthrie to include HTTP protocol of Bisbee. The motivation for doing so would have been that it is a convenient protocol for communication over the Internet (page 1, paragraph 2). Therefor it would have been obvious to combine Bisbee with Guthrie to obtain the invention as specified in the instant claims.

***Double Patenting***

66. Claims 1 – 7, 11 – 17, and 20 – 26 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 30 – 50. In addition claims 44 – 50 are objected to as being a duplicate of claims 65 – 71. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cordelia Kane whose telephone number is 571-272-7771. The examiner can normally be reached on Monday - Thursday 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Del Sole can be reached on 571-272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CPK

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6/13/07